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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Connie T. Marshall et al.
Application No. : 09/729,484 Confirmation No. : 5978
Filed : December 4, 2000
For : SYSTEMS AND METHODS FOR INTERACTIVE
WAGERING
Group Art Unit : 3713
Examiner : Binh-An D. Nguyen

Mail Stop AF
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Pursuant to 1296 Off. Gaz. 2 (July 12, 2005),
applicants request review of the final rejection of claims 4, 8,
14, and 18 in the above-identified application. No amendments
are being filed with this Request. This Request is being filed
with a Notice of Appeal.

Arguments begin on page 2 of this paper.

ARGUMENTS

I. Summary of Office Action

Claims 4, 8, 14, and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brenner et al. U.S. Patent No. 6,004,211 (hereinafter "Brenner").

II. Summary of Arguments

For the purposes of this Request, applicants will specify the clear error in the 35 U.S.C. § 102(e) rejection of claims 4, 8, 14, and 18 in the October 17, 2005 final Office Action (hereinafter "Office Action"). Namely, applicants will show that Brenner fails to teach each and every element of applicants' claimed invention and therefore fails to anticipate applicants claims. Applicants reserve the right to present additional arguments upon the decision of the panel review.

III. Brenner Fails to Teach Each and Every Element of Independent Claims 4 and 14

Applicants' independent claims 4 and 14 are generally directed toward a method and system for providing a user interface for interactive wagering. A user is provided with an opportunity to create a default wager with at least one default setting. Default selections are displayed for a new wager based on the default wager, and the user is provided with an opportunity to change selections for the new wager from at least

one of the default selections to another selection. The user is then provided with an opportunity to place the new wager.

Generally speaking, Brenner refers to systems and methods for interactive off-track wagering. Brenner includes a "duplicate a wager" option that allows an existing wager to be copied and presented on the next available wager line. (See Brenner, col. 12, lines 45-50). After a wager has been duplicated, a user of Brenner may delete the wager, duplicate the wager again, or send the wager to a totalisator. (See Brenner, FIG. 17).

The Office Action contends that Brenner's "duplicate a wager" function anticipates applicants' independent claims 4 and 14. (Office Action, page 3). Applicants respectfully disagree. It is well-established that for a reference to anticipate a claim "each and every element as set forth in the claim" must be found in the reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Even if Brenner's "duplicate a wager" function could be considered to create a "default wager" including at least one default setting, Brenner still clearly fails to show "providing the user with an opportunity to change selections for the new wager from at least one of the default selections to another selection," as recited by independent claims 4 and 14.

Brenner's FIG. 17 and its corresponding description in the specification (col. 12, lines 27-63) show that the only wager options available in Brenner's wagering interface after a wager is duplicated are to 1) delete the duplicated wager, 2) duplicate the duplicated wager again, or 3) send the duplicated wager to a totalisator. Brenner does not show or suggest the ability for a user to change selections for the duplicated wager as required by applicants' independent claims 4 and 14.

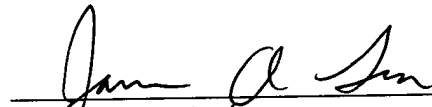
For at least the above reason, applicants submit that Brenner clearly fails to show at least providing the user an opportunity to change selections for a new wager from at least one of the default selections to another selection.

Accordingly, applicants submit that independent claims 4 and 14 are allowable over Brenner. Applicants further submit that dependent claims 8 and 18, which contain all the limitations of their respective base claims, are also not anticipated by Brenner for at least the same reason. Applicants respectfully request that the panel issue a written decision withdrawing the rejection of claims 4, 8, 14, and 18 under 35 U.S.C. § 102(e).

IV. Conclusion

For the reasons set forth above, claims 4, 8, 14, and 18 are allowable in view of Brenner. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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